IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 15.9.2006

Raj Rani and others

...Appellants

versus

Samunder and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Surender Deswal, Advocate,
for the appellants.

UMA NATH SINGH, J. (ORAL)

Filing of this FAO by the claimants is barred by an inordinate delay of 267 days and further there is a delay of 306 days in affixing the Court fee. Moreover, the deceased was aged 50 years at the time of accident and the claimants are his widow and two grown up children. He was employed in the office of the Executive Engineer, Construction Division, Narwana, Haryana. Apart from other submissions on merits, learned counsel also contended that the multiplier applied and the salary taken into consideration, both, are on lower side.

We have carefully examined the award, and we also do not find any force in the submissions. Rather, gross salary has been made the basis for assessment of the compensation. The application for condonation of delay does not show sufficient cause and the nature of dependency and age group of the dependents do not support the claim for enhancement, and that apart, Hon'ble the Apex Court in the judgment reported in AIR 1998 SC 2276 (P.K.Ramachandran versus State of Kerala and another), has held

that the Courts cannot extend the limitation on equitable ground. Hence we are not inclined to admit the appeal.

Accordingly, the appeal is dismissed in limine on the ground of delay as well as on merits.

(UMA NATH SINGH)
JUDGE

September 15, 2006 **(MAHESH GROVER)**
pk **JUDGE**